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December 28, 2012

VIA ECF AND REGULAR MAIL

Honorable Tonianne J. Bongiovanni, U.S.M.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Room 6052
Trenton, New Jersey 08608

Re: **Slutsky et al., v. Guadagno et al.**
Civil Action No.: 10-cv-05331-PGS

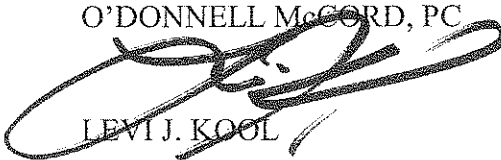
Dear Judge Bongiovanni:

Please be advised that we represent the Defendants in the above-referenced matter. In this regard, kindly accept Defendants' Proposed Scheduling Order for all remaining discovery in the immediate matter.

Kindly note that a draft copy of the enclosed was sent via e-mail to Pro Se Plaintiff Larry Slutsky on Thursday, December 27, 2012 at 11:59 A.M. by Jonathan Testa, Esq., of our office. However, Mr. Slutsky objected to Defendants' proposed discovery dates as being untimely and misleading. Our apologies for any delay and confusion this has caused, as I was on religious holiday until Friday, December 28, 2012.

Respectfully submitted,

O'DONNELL McCORD, PC


LEVI J. KOOL

LJK:cc

cc: Larry Slutsky (via e-mail correspondence and regular mail)
Wendy Slutsky (via e-mail correspondence and regular mail)
Clayton Slutsky (via e-mail correspondence and regular mail)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LARRY SLUTSKY, WENDY SLUTSKY,
AND CLAYTON SLUTSKY, PRO SE,

Plaintiff(s),

--against--

KIM GUADAGNO, FORMER
MONMOUTH COUNTY SHERIFF, IN
HER INDIVIDUAL AND OFFICAL
CAPACITY, AND SUCCESSORS;
WILLIAM FRASER, WARDEN
MONMOUTH COUNTY
CORRECTIONAL INSTITUTE, IN HIS
INDIVIDUAL AND OFFICIAL
CAPACITY AND SUCCESSORS;
MONMOUTH COUNTY SHERIFF'S
OFFICE; MONMOUTH COUNTY
CORRECTIONAL INSITITUTION;
JOHN AND/OR JANE DOE(S),

Defendant(s)

Civil Action No.: 10-cv-05331-PGS

Honorable Tonianne J. Bongiovanni, U.S.M.J.

PROPOSED SCHEDULING ORDER

Pursuant to Court order, communications were exchanged by electronic message on Monday December 17, 2012, and Thursday, December 27, 2012, between, Plaintiffs, appearing *Pro Se*, and Defendants, appearing by attorney Jonathan Testa, Esq., of the firm O'Donnell and McCord, P.C. After the above communications, the parties could not agree to the entry of a scheduling order. Despite same, Defendants propose the following deadlines for the completion of discovery.

IT IS HEREBY ORDERED that:

JOINDER OF PARTIES/AMENDMENTS TO PLEADINGS

1. The parties must serve and file all motions for joinder of additional parties on or before, and all amendments to pleadings which relate solely to newly joined additional parties on or before **July 1, 2013**. If additional parties are joined, a copy of this scheduling order must be served with the summons and the additional parties shall be bound by its provisions.

2. Aside from asserting claims against any additional parties to be joined as set forth under enumerated paragraph one (1) above, no further amendments to pleadings is permitted except with leave of court, good cause having been shown.

JURISDICTION/VENUE

3. Plaintiff incorrectly alleges that jurisdiction is predicated upon 42 U.S.C. §1983, for deprivation of civil rights. Accordingly, Defendants, without waiving any affirmative defenses and immunities, agree for purposes of the Court's Order that the Court's federal question jurisdiction is invoked pursuant to 28 U.S.C. § 1331. Venue is also proper.

DISCOVERY

4. All discovery shall be so conducted as to be completed by **September 30, 2013**. The word "completed" means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been complied with.

5. Unless otherwise set forth herein or as the Magistrate Judge so directs, all discovery motions shall be governed by L. Civ. R. 37.1(b), and must be noticed on the Magistrate Judge's calendar in accordance with the local rules of this court and so that such motions will be heard no later than **October 7, 2013**.

6. Plaintiffs are to file all motions to compel discovery of Defendants' Investigation Reports by **January 25, 2013**.

7. The complete MCCI Correct Care Solutions (CCS) medical file for Clayton Slutsky shall be served on Plaintiffs by **February 15, 2013**.

8. Plaintiffs and Defendants shall propound no more than twenty-five (25) interrogatories (including sub-parts) on any other party (exclusive of interrogatories seeking the identity and location of witnesses and documents).

9. Interrogatories and requests for production of documents shall be propounded on all other parties on or before **March 1, 2013**.

10. Plaintiffs and Defendants shall serve answers to interrogatories on or before **April 1, 2013**.

11. Plaintiffs and Defendants shall disclose the names and identities of all lay witnesses on or before **April 1, 2013**.

12. Plaintiffs shall disclose the names, contact information, and qualifications of all Liability, Medical, Religious, Mental Health, and Damages Experts on or before **April 30, 2013**. This disclosure must include the names and addresses of all expert witnesses which it intends to call at trial, a narrative statement of each expert's background and experience, a copy of the report prepared by the expert or, in the absence thereof, a brief statement of the subject matter, facts and opinions upon which each witness will testify, along with a summary of the grounds for each opinion.

13. Defendants shall disclose the names, contact information, and qualifications of all Liability, Medical, Religious, Mental Health, and Damages Experts on or before **June 15, 2013**. This disclosure must include the names and addresses of all expert witnesses which it intends to call at trial, a narrative statement of each expert's background and experience, a copy of the report prepared by the

expert or, in the absence thereof, a brief statement of the subject matter, facts and opinions upon which each witness will testify, along with a summary of the grounds for each opinion.

14. Depositions of all fact witnesses shall be completed on or before **June 15, 2013**.

15. Plaintiff shall serve all Liability, Medical, Religious, Mental Health, and Damages Expert Reports on or before **June 30, 2013**. It is understood that the experts will have completed his analysis and be in a position to render his opinions at the time of disclosure.

16. Defendants shall serve all Liability, Medical, Religious, Mental Health, and Damages Expert Reports on or before **July 30, 2013**. It is understood that the experts will have completed his analysis and be in a position to render his opinions at the time of disclosure.

17. Plaintiffs shall serve any rebuttal or supplemental Expert Reports on or before **August 15, 2013**.

18. Defendants shall serve any rebuttal or supplemental Expert Reports on or before **August 30, 2013**.

19. Depositions of Plaintiffs' Experts shall be completed on or before **August 20, 2013**.

20. Depositions of Defendants' Experts shall be completed on or before **September 6, 2013**.

21. A further Status (pretrial scheduling) Conference is set for **September 17, 2013**.

MOTIONS AND FINAL PRETRIAL CONFERENCE

22. The parties must serve and file all dispositive motions on or before **November 8, 2013**.

23. A date for the Final Pretrial conference will be set in this case during the further Status Conference scheduled for **September 17, 2013**.

24. A trial date shall be set by the court during the Final Pretrial conference.

Pursuant to Fed.R. of Civ.P. 16(e), this order shall control the course of this action unless modified by a subsequent order.

IT IS SO ORDERED.

Dated: _____

Honorable Tonianne J. Bongiovanni, U.S.M.J